

### REMARKS

Applicant respectfully submits that the Office Action mailed September 8, 2008, indicates that Applicant's priority claim was improper, and that correction was required via petition and payment of the appropriate fees set forth in 37 C.F.R. §1.17(t).

In full accordance with MPEP §201.11, Applicant hereby respectfully petitions for the benefit claim under 35 U.S.C. §119/120 provided herein. In particular, Applicant submits that the present petition is accompanied by the reference required under 35 U.S.C. §119/120 and 37 C.F.R. §1.78(a)(2) or (a)(5). Applicant further submits that any appropriate surcharges under 37 C.F.R. §1.17(t) may be paid out of Deposit Account No. 50-2131. Applicant also respectfully submits that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. In particular, reference is made to the Office Action mailed September 8, 2008, wherein Applicant was informed that its amendment to clarify the priority dated June 19, 2008, was improper.

Applicant submits that, to the best of its knowledge, all necessary steps have now been taken to properly correct the priority claim of the present application, and favorable consideration is respectfully solicited.

In light of the foregoing, Applicant respectfully requests that the present petition to accept the unintentionally delayed benefit claim under 35 U.S.C. §119/120 be granted.

Should anything further be required, or if the Petitions Attorney has any remaining questions or concerns relative to the present petition, a telephone call to the undersigned at (616) 355-0400 is respectfully requested in order to proceed with prosecution of the present application.


If any other charges or fees must be paid or credited in connection with this

communication, they may be paid out of our Deposit Account No. 50-2131.

Respectfully submitted,

KING & PARTNERS, PLC

Dated: 3.9.09

  
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